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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

BENJAMIN RAMOS SANCHEZ,

Defendant and Appellant.

E051586

(Super.Ct.No. SWF026319)

ORDER MODIFYING OPINION

[NO CHANGE IN JUDGMENT]

THE COURT

It is ordered that the second sentence of the last paragraph on page 2 of the opinion filed herein on August 1, 2012, be modified as follows:

We will assume, without deciding, that the trial court did err by ruling that consent was not a defense to count 1.

Except for this modification, the opinion remains unchanged. This modification does not effect a change in judgment.

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RICHLI

J.

I concur:

McKINSTER

Acting P. J.